



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/820,964

03/30/2001

Lev Brouk

ODVFP009A

3907

22434

7590

09/03/2008

BEYER WEAVER LLP

P.O. BOX 70250

OAKLAND, CA 94612-0250

EXAMINER

LEE, PHILIP C

ART UNIT

PAPER NUMBER

2152

MAIL DATE

DELIVERY MODE

09/03/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/820,964	BROUK ET AL.	
	Examiner	Art Unit	
	PHILIP C. LEE	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 15 and 16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 15 and 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/27/08</u> . | 6) <input type="checkbox"/> Other: _____ |

1. This action is responsive to the amendment and remarks filed on May 27, 2008.
2. Claims 1-8 and 15-16 are presented for examination and claims 9-14 are canceled.
3. The text of those sections of Title 35, U.S. code not included in this office action can be found in a prior office action.

Claim Rejections – 35 USC 103

4. Claim 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zombek et al, U.S. Patent 6,704,768 (hereinafter Zombek) and Shiozawa, U.S. Patent Application Publication 20010005358 (hereinafter Shiozawa) in view of Official Notice.
5. Zombek and Shiozawa were cited in the previous office action.
6. As per claim 1, Zombek taught the invention substantially as claimed for routing a message (col. 4, lines 36-39) between services in a message routing network, said message including a header (col. 22, lines 52-54) and one or more of a body (col. 48, lines 40-41) comprising:

associating an identifier with an entity that has been authenticated by said message routing network, wherein said identifier is to be associated with an entity account upon

authentication of said entity with a first service that supports said entity account (col. 20, lines 35-51; col. 21, lines 32-53; col. 22, lines 23-29);

receiving, from a second service, a message including said identifier, said message being directed to a mapped service (e.g. MR) (col. 20, lines 47-52; col. 21, lines 6-13), wherein said mapped service is an entity account-specific representation of said first service (col. 21, lines 39-53) (i.e. MR represents the service type of the BES or server application) and acts as a proxy for said first service (i.e. MR acts as proxy between the BES network with BES executed application and the client network with client application) (fig. 1c; col. 22, lines 50-65);

authenticating only said message routing network using said identifier included in said message (col. 21, lines 32-53); and when said message routing network is authenticated using said identifier (col. 21, lines 32-53; col. 22, lines 4-10; col. 24, lines 49-50) and translating, by said message routing network, said message for delivery to said first service (col. 32, lines 46-50; col. 32, line 66-col. 33, line 2), wherein said translated message includes said identifier (col. 20, lines 47-52) and is directed from said mapped service to said first service (col. 21, lines 32-53; col. 22, lines 22-29).

7. Zombek does not teach determine whether a route for a message needs to be modified. Shiozawa taught a mapped service is operable to determine whether a route for a message needs to be modified prior to delivering the message to a destination (page 5, paragraphs 73-76); and the mapped service determines that said route for the message does not need to be modified, the message is delivered to the destination (page 5, paragraphs 72 and 73).

8. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Zombek and Shiozawa because Shiozawa's teaching of determining whether a route for a message needs to be modified would increase the reliability of Zombek's and Short's systems by allowing restoration of data transmission in case of fault occurrence without undesired reduction in efficiency on the use of network bandwidth (page 1, paragraphs 1 and 9).

9. Zombek and Shiozawa did not teach an attachment. "Official Notice" is taken for the concept of message with attachment is known and accepted in the art (e.g. email with attachment). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include attachment because by doing so it would improve the efficiency of their systems by allowing a file to be sent with a message instead of individually sending the message and the file.

10. As per claim 2, Zombek and Shiozawa in view of Official Notice taught the invention substantially as claimed in claim 1 above. Zombek further taught wherein said identifier is a message routing network ID (col. 22, lines 26-29).

11. As per claim 3, Zombek and Shiozawa in view of Official Notice taught the invention substantially as claimed in claim 2 above. Zombek further taught wherein said identifier is a message routing network ID for said mapped service (col. 22, lines 26-29).

12. As per claim 4, Zombek and Shiozawa in view of Official Notice taught the invention substantially as claimed in claim 1 above. Zombek further taught comprising the step of associating said identifier with an entity account upon authentication of said entity with said first service (col. 14, lines 66-col. 15, lines 1).

13. As per claim 5, Zombek and Shiozawa in view of Official Notice taught the invention substantially as claimed in claim 1 above. Zombek further taught wherein said translating comprises adding an identifier of said entity account to said message (col. 15, lines 26-33).

14. As per claim 6, Zombek and Shiozawa in view of Official Notice taught the invention substantially as claimed in claim 1 above. Zombek further taught wherein upon receipt of said translated message, said first service associates said identifier with said entity account based on a mapping internal to said first service (col. 22, lines 26-29, 51-59).

15. As per claim 7, Zombek and Shiozawa in view of Official Notice taught the invention substantially as claimed in claim 1 above. Zombek further taught comprising receiving a second message from said first service, said second message being directed to said mapped service (col. 24, lines 49-56).

Art Unit: 2152

16. As per claim 8, Zombek and Shiozawa in view of Official Notice taught the invention substantially as claimed in claim 7 above. Zombek further taught comprising translating said second message for delivery to said second service (col. 32, lines 66-col. 33, lines 2).

17. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Giroux et al U.S. Patent Application Publication 2004/0243574 (hereinafter Giroux) in view of Zombek.

18. Giroux was cited in the last office action.

19. As per claim 15, Giroux taught the invention substantially as claimed comprising:
providing a proxy service ((e.g., ASP server, 160, fig. 3) for messages transferred between a first application service provider (110, fig. 3) and a second application service provider (120, fig. 3) in a message routing network (page 3, paragraph 53) (i.e., ASP server 160 providing a proxy service for transferring data from ASP server 110 to ASP server 120), said first application service provider and said second application service provider providing application services (page 1, paragraph 6)

20. Giroux did not specifically teach authentication. Zombek taught providing an identifier associated with an entity that has been authenticated by said message routing network, wherein said identifier is to be associated with an entity account upon authentication of said entity with said first application service (col. 20, lines 35-51; col. 21, lines 32-53; col. 22, lines 23-29); receiving, from said second application service, a message including said identifier, said message

Art Unit: 2152

being directed to said proxy service (col. 20, lines 47-52; col. 21, lines 6-13), wherein said proxy service is an entity account-specific representation of said first application service (col. 21, lines 39-53) (i.e. MR represents the service type of the BES or server application); authenticating only said message routing network using said identifier included in said message (col. 21, lines 32-52); and when said message routing network is authenticated using said identifier (col. 21, lines 32-52; col. 22, lines 4-10; col. 24, lines 49-50), translating, by said message routing network, said message for delivery to said first application service col. 32, lines 46-50; col. 32, line 66-col. 33, line 2), wherein said translated message includes said identifier (col. 20, lines 47-52) and is directed from said proxy service to said first application service (col. 21, lines 32-53; col. 22, lines 22-29).

21. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Giroux and Zombek because Zombek's teaching of authentication would increase the security of Giroux's system by preventing message from unauthorized user to access the system.

22. As per claim 16, Giroux and Zombek taught the invention substantially as claimed as in claim 15 above. Zombek further taught wherein said proxy service adds an account identifier to a message that is transmitted to said second application service provider (col. 15, lines 26-33).

23. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Giroux and Zombek for the same reason as set forth in claim 15 above.

24. Applicant's arguments filed 05/27/08 have been fully considered but they are not persuasive.

25. In the remarks, applicant argued that:

- (1) Objection to the specification is overcome.
- (2) Zombek fails to teach authenticating only said message routing network using said identifier included in said message or when said message routing network is authenticated using said identifier..., translating, by said message routing network, said message for delivery to said first service, as recited in claim 1.
- (3) No reason existed to combine Shiozawa and the Official Notice with Zombek, at the time of the invention, to arrive at the method of claim 1.

26. In response to point (1), applicant's amendment to update the provisional application number in the first sentence of the specification filed on 5/27/08 has been entered. Accordingly, the objection to the specification is withdrawn.

Art Unit: 2152

27. In response to point (2), Zombek teaches MR (message router) determines that the sender of a message such as a client or back end server (BES) is an authorized customer of the network (col. 21, lines 32-53). The sender of a message must be either a client or a BES, which is part of the message routing network shown in figure 1A. Zombek does not teach providing authentication for entities that are not part of the message routing network. This means Zombek teaches authenticating only the message routing network (i.e., sender such as a client or BES, which is part of the message routing network). The authorization (i.e., authentication) process must require using identifier included in the message in order to determine the sender of the message. Furthermore, Zombek teaches if the device is an authorized client device, the message can be considered as authentic and can be forwarded to the proper BES (col. 21, lines 49-51). Similarly, the message can be forwarded to the client (col. 32, line 66-col. 33, line 2). Zombek teaches the message is unpacked from its intelligent messaging network format into an HTTP response and can be sent to the browser (col. 32, line 66-col. 33, line 2). This means the process of unpacking the message must require translating the message from its intelligent messaging network format into a format that can be process by the destination, which depends if the destination is the client or BES.

28. In response to point (3), applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071,

Art Unit: 2152

5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, reasons to combine Shiozawa and the Official Notice with Zombek were stated in the office mailed on 12/27/2007. Specifically, the office action states: "It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Zombek and Shiozawa because Shiozawa's teaching of determining whether a route for a message needs to be modified would increase the reliability of Zombek's and Short's systems by allowing restoration of data transmission in case of fault occurrence without undesired reduction in efficiency on the use of network bandwidth (page 1, paragraphs 1 and 9)" and "Official Notice" is taken for the concept of message with attachment is known and accepted in the art (e.g. email with attachment). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include attachment because by doing so it would improve the efficiency of their systems by allowing a file to be sent with a message instead of individually sending the message and the file."

29. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX

Art Unit: 2152

MONTHS from the mailing date of this final action. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip C Lee whose telephone number is (571)272-3967. The examiner can normally be reached on 8 AM TO 5:30 PM Monday to Thursday and every other Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Philip C Lee/

Patent Examiner, Art Unit 2152